

# NINTH DAY

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WEDNESDAY, JANUARY 29, 1997

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## PROCEEDINGS

The Senate met at 12:00 noon pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Fraser.

To be elected: District 5.

The President announced that a quorum of the Senate was present.

Dr. Dana Carson, Senior Pastor, Praise Tabernacle Outreach and Family Worship Center, Austin, offered the invocation as follows:

Gracious God and our Lord, creator of the heavens and the Earth, we come this day acknowledging and respecting Your sovereignty. We humbly bow ourselves before You, as vessels of submission, ready and willing to be conduits of Your love and grace. We ask that Your divine presence would be amidst these men and women as they discuss issues concerning the life of the citizens of the State of Texas. God, we pray that solutions would be given to affect the economy, the education, and the ethics of the State of Texas. Lord, we pray that what takes place in this session would join this nation in a cooperative effort to heal our country of the social, physical, and economic ills that plague so many of our communities. Now, God, we thank You for each of these that have been elected to serve in this capacity. Imbue them with Your spirit, that our state may be healed and our families restored, in Jesus' name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## LEAVE OF ABSENCE

On motion of Senator Truan, Senator Fraser was granted leave of absence for today on account of important business.

**CO-AUTHOR OF SENATE BILL 76**

On motion of Senator Haywood and by unanimous consent, Senator West will be shown as Co-author of **SB 76**.

**CO-AUTHOR OF SENATE BILL 304**

On motion of Senator Brown and by unanimous consent, Senator Armbrister will be shown as Co-author of **SB 304**.

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**SB 274** by Lucio

Relating to lower division curricula at The University of Texas at Brownsville.

To Committee on Education.

**SB 302** by Brown, Wentworth

Relating to the prosecution of certain commercial bailees for the offense of misapplication of fiduciary property.

To Committee on Jurisprudence.

**SB 303** by Brown, Lucio

Relating to the fees for transferring license plates for disabled veterans.

To Committee on Finance.

**SB 304** by Brown, Armbrister, Ellis

Relating to the creation of two judicial districts in Fort Bend County.

To Committee on Finance.

**SB 305** by Zaffirini

Relating to the interagency council on early childhood intervention.

To Committee on Health and Human Services.

**SB 306** by Haywood

Relating to the regulation by a county of fireworks during a drought period.

To Committee on Intergovernmental Relations.

**SB 307** by Madla

Relating to annexation service plan requirements for certain municipalities.

To Committee on Intergovernmental Relations.

**SB 308** by Wentworth

Relating to the application of the open meetings law to certain meetings of governmental bodies.

To Committee on State Affairs.

**SB 309** by Wentworth

Relating to a prohibition on recovery of damages in certain suits for slander of title to real property.

To Committee on Jurisprudence.

**SB 310** by Brown, Armbrister, Barrientos, Gallegos, Ellis, Whitmire, Patterson, Wentworth

Relating to certain judicial salaries.  
To Committee on Finance.

**SB 311** by Harris

Relating to the disposition of beneficial interests in insurance.  
To Committee on Jurisprudence.

**GUESTS PRESENTED**

Senator Patterson was recognized and introduced to the Senate Lieutenant General Soo Khiang Bey, Chief of Defense Force, Singapore; Rear Admiral Larry Leong Yoon Loon, Fleet Commander, Republic of Singapore Navy; Brigadier General Boon Wah Sin, Republic of Singapore Defense Attache Designate to the United States; Colonel Raynard Teck Heng Ng, Republic of Singapore Air Force, Commander of Tengah Air Base; Lieutenant Colonel Rupert Gwee, Head of Joint Training Branch, Joint Operations Department, Singapore; and Major Chuan Jin Tan, Republic of Singapore Army, Region Head for Policy, Ministry of Defense; accompanied by Brigadier General Daniel James.

The Senate welcomed its distinguished guests.

(Senator Truan in Chair)

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, January 29, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 3**, Recognizing the city of Jefferson as the Bed and Breakfast Capital of Texas.

**HCR 4**, Honoring the participants of the Tarrant County Buffalo Soldiers Heritage Program.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**CAPITOL PHYSICIAN**

Senator Barrientos was recognized and presented Dr. Elliot Trester of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Trester and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(President in Chair)

**SENATE RESOLUTION 65**

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the second annual Texas Capitol Schoolhouse event, which is being held in the Capitol Extension auditorium January 29-30, 1997; and

WHEREAS, The Capitol Schoolhouse event gives students and teachers from across the state the opportunity to demonstrate how technology is used in their schools and to provide information to legislators and state leaders on how these technologies improve the learning process; and

WHEREAS, The second annual Capitol Schoolhouse event is being sponsored by The University of Texas, Texas A&M University, the Texas Education Network, and Apple Computer, Incorporated; students and teachers from 13 school districts have been invited to participate in an on-line school day to showcase current technology and the benefits of computers as educational tools; and

WHEREAS, The Schoolhouse activities include technology demonstrations and presentations by students, a tour of the Capitol, observation of Texas Senate and House of Representatives meetings and the Governor's Teleconference, interviews with state officials, and work on school projects and assignments; students will collaborate on a Texas history project that will be published electronically to the Internet; and

WHEREAS, Texas is one of the leading states in providing financial support for educational technology, and Texas schools spend more than a quarter of a billion dollars every year to plan for and implement technology in our public schools; and

WHEREAS, The second annual Texas Capitol Schoolhouse provides an excellent opportunity for legislators and the public to observe firsthand how students are utilizing and integrating technology in learning, and how technology in the public schools today is helping to prepare the children of Texas for the 21st century; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the sponsors of the second annual Texas Capitol Schoolhouse on providing the state with this invaluable educational event; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the second annual Texas Capitol Schoolhouse event as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos, the resolution was adopted by a viva voce vote.

**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate a delegation of students and teachers honoring the Texas Capitol Schoolhouse event.

The Senate welcomed its guests.

(Senator Truan in Chair)

**SENATE RESOLUTION 59**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing Washington's Birthday Celebration Association on the grand occasion of the 100th celebration of Washington's Birthday in Laredo; and

WHEREAS, Each year since 1898 the citizens of Laredo have celebrated the birthday of the Father of Our Country; Washington's Birthday Celebration Association sponsors the celebration in a manner that encourages reverence of the memory of George Washington and emulation of his virtues and his patriotism; and

WHEREAS, The first significant American influence in Laredo arrived during the Mexican War when Captain Mirabeau B. Lamar organized the city and county governments along American lines; after 1847, Laredo had an American government, but a very limited amount of American culture was present; most children grew up speaking Spanish and the holidays were of Mexican tradition; and

WHEREAS, The city began to change in 1881 with the arrival of two railroads, the Texas Mexican from Corpus Christi and the International and Great Northern from San Antonio; the railroads brought immigration from the north, and by the 1890s, Laredo's population was approximately one-fourth Anglo-American; and

WHEREAS, In 1870, the mayor of Laredo had decided to add some American celebrations to the traditional Mexican holidays and had handbills printed up in honor of George Washington on February 22; no tradition was established, however, until the first formal Washington Birthday Celebration occurred as a two-day event in 1898; and

WHEREAS, Since its inception, the holiday in Laredo has gradually emerged into a grand celebration of 26 events over a 10-day period; the Centennial Celebration planned this year exemplifies the spirit and enthusiasm of Laredoans and the pride they take in their city and country; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the George Washington Birthday Celebration Association on its patriotism and efforts to perpetuate the memory of the Father of Our Country and extend best wishes for a joyous Centennial Celebration; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the association as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Zaffirini, the resolution was adopted by a viva voce vote.

**(President in Chair)**

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate the following guests honoring the 100th annual celebration of George Washington's birthday: George Edward Macdonald, Jr., Mary Lamar Killam, Rosa Benavides, Evan James Quiros, Mary Leyendecker Quiros, Noelle Kristina Nimchan, Jorge Trevino, Jr., Ana Lisa Benavides, Hannah Laura Trevino, Mercurio Martinez IV, Alina Judith Mena Gordillo, Andres Fernando Ortega Herrera, and Minnie Dora Bunn Haynes.

The Senate welcomed its guests.

**(Senator Truan in Chair)**

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Madla gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

**(President in Chair)**

#### **HOUSE CONCURRENT RESOLUTION 3**

The President laid before the Senate the following resolution:

**HCR 3**, Recognizing the City of Jefferson as the Bed and Breakfast Capital of Texas.

**RATLIFF**

The resolution was read.

On motion of Senator Brown and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Ratliff and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Ratliff was recognized and introduced to the Senate the following delegation honoring Jefferson Day at the Capitol: Toni H. Cox, President, Marion County Chamber of Commerce; Dr. Carol Harrell, Superintendent of Schools, Jefferson Independent School District; Duke DeWare, President, Jefferson Historical Foundation; David Little, President, Marion County Industrial Foundation; and Gene Terry, County Judge, Marion County.

The Senate welcomed its guests.

(Senator Brown in Chair)

**SENATE RESOLUTION 79**

Senator Ellis offered the following resolution:

WHEREAS, Children's Advocacy Day is a day of commitment to children, a celebration, and a day of community renewal; and

WHEREAS, Children's Advocacy Day is sponsored by state and local organizations, which together represent thousands of Texans from every walk of life; and

WHEREAS, All Texans are invited to participate in the event to affirm our state's commitment to assuring the future of our children by providing the best possible environment for their development; and

WHEREAS, On Children's Advocacy Day citizens will commit themselves to positive personal steps as families and communities to do more to improve the quality of children's lives: their health, safety, school readiness, education, and future; and

WHEREAS, The special day is an opportunity to challenge ourselves as well as religious, cultural, business, and government leaders to work harder to improve children's lives in communities throughout the country; and

WHEREAS, Every day babies are born into poverty, and children die from abuse or neglect; and

WHEREAS, Every day children are killed by firearms, commit suicide, are homicide victims, and are arrested for crimes; and

WHEREAS, Our children are our state's future and their well-being is of concern to all our citizens; the strength of the state depends on the ability of our future leaders at every level to guide our state and nation on the path that was laid by the founding fathers; and

WHEREAS, To recapture the spirit of our nation's democratic principles and to uphold the moral standards that have shaped the greatness of America requires the effort of everyone; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby recognize Children's Advocacy Day on January 29, 1997, as a day for all Texans to work together to protect our children and to provide a nurturing and wholesome environment for them; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of the commitment of our state to her children.

ELLIS  
ZAFFIRINI

The resolution was read and was adopted by a viva voce vote.

(President in Chair)

**MEMORIAL RESOLUTION**

**SR 78** - by Patterson: In memory of United States Army Captain Christopher Williams of Pasadena.

**CONGRATULATORY RESOLUTIONS**

**SR 77** - by Patterson: Congratulating the Dickinson Veterans of Foreign Wars Memorial Post 6378 and its Ladies Auxiliary.

**SR 80** - by Brown: Congratulating former Member of the Texas House of Representatives and Senate Johnnie B. Rogers of Austin.

**SR 81** - by Bivins: Congratulating Temple B'nai Israel in Amarillo.

**SR 82** - by Gallegos: Congratulating Dr. Jose Angel Gutierrez of Arlington.

**SR 83** - by Zaffirini: Congratulating the Mariachi Los Tigres del Sur of Martin High School in Laredo.

**SR 85** - by Ratliff: Congratulating the City of Jefferson.

#### **ADJOURNMENT**

On motion of Senator Truan, the Senate at 12:24 p.m. adjourned until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **COMMITTEE REPORTS**

The following committee reports were received by the Senate:

January 29, 1997

STATE AFFAIRS — **SB 221, SB 223**

HEALTH AND HUMAN SERVICES — **SB 197**